

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

LATOYA TYREE JOHNSON,

Plaintiff,

v.

CAROLYN W. COLVIN,

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL ACTION No. 6:12-cv-00037

ORDER

JUDGE NORMAN K. MOON

This matter is before the court on the parties' cross Motions for Summary Judgment (docket nos. 13¹ and 14), and the Report & Recommendation of United States Magistrate Judge Robert S. Ballou (docket no. 16, hereinafter "Report"). Pursuant to Standing Order 2011-17 and 28 U.S.C. § 636(b)(1)(B), I referred this matter to Judge Ballou for proposed findings of fact and a recommended disposition. The parties filed cross motions for summary judgment, and on August 27, 2013, Judge Ballou filed a Report recommending that Plaintiff's Motion for Summary Judgment (docket no. 13) be denied, and the Commissioner's Motion for Summary Judgment (docket no. 14) be granted. After a review of the record in this case, and no objections having been filed to the Report within fourteen days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. The Report of August 27, 2013, is hereby ADOPTED in its entirety;

¹ Johnson, proceeding *pro se*, filed a written brief and no formal motion for summary judgment. As did Magistrate Judge Ballou, I will construe her brief (docket no. 13) as a motion for summary judgment.

2. Plaintiff's Brief (construed as a motion for summary judgment) (docket no. 13) is hereby DENIED;
3. Defendant's Motion for Summary Judgment (docket no. 14) is hereby GRANTED; and
4. This case is hereby DISMISSED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record and to United States Magistrate Judge Robert S. Ballou.

It is so ORDERED.

Entered this 17th day of September, 2013.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE